



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,545	10/02/2000	Schrems Martin	GR 99 P 4724	3079

7590

06/26/2002

LERNER AND GREENBERG, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480

EXAMINER

NGUYEN, CUONG QUANG

ART UNIT

PAPER NUMBER

2811

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/677,545

Applicant(s)

MARTIN ET AL.

Examiner

Cuong Q Nguyen

Art Unit

2811

*MC*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

Art Unit: 2811

**DETAILED ACTION**

***Election/Restriction***

1. Applicant's election of Group I, claims 1-9 in Paper No. 12 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Oath/Declaration***

2. The oath/declaration filed on 10/02/00 is acceptable.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

4. The Information Disclosure Statement filed on 11-13-00 has been considered.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2811

Claims 1, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold (US 5,937,296) in view of Nishimura (US 4,949,138).

Regarding claim 1, Arnold discloses a trench capacitor structure comprising: a substrate (12) having a trench formed therein, wherein the trench having an upper portion and a lower portion; an insulation collar (50, 58) formed in upper portion of the trench; a buried well (16) formed in the substrate, wherein the lower portion of the trench extending partly through the buried well; a capacitor dielectric layer (34, a silicon oxide or a silicon nitride layer) lining the lower region of the trench; and a conductive trench filling (32) formed in the trench. See Arnold's Fig.1.

Arnold does not teach that the capacitor dielectric layer (34) can be formed of tungsten oxide.

Nishimura discloses a capacitor structure comprising a capacitor dielectric layer (15) is formed of silicon oxide, silicon nitride or tungsten oxide. See Nishimura's Fig.4 and col.2, lines 22-68.

It would have been obvious to one of ordinary skill in the art to form the capacitor dielectric layer of tungsten oxide instead of silicon nitride or silicon oxide as taught by Nishimura because these material are art recognized material for forming the capacitor dielectric layer and they are interchangeable. Moreover, one of ordinary skill in the art would have been motivated to do so because tungsten oxide has a very high dielectric constant comparing with silicon oxide or silicon nitride.

Art Unit: 2811

Regarding claim 3, the device formed by the combination of Arnold and Nishimura has capacitor dielectric layer of tungsten oxide which is the same material as claimed device. Therefore, the tungsten oxide capacitor dielectric layer in the device formed by the combination of Arnold and Nishimura inherently has a dielectric constant greater 50 as claimed.

Regarding claim 9, as shown in Arnold's Fig.9, a vertical transistor formed in the trench.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Nishimura and further in view of Nitayama et al. (US 5,905,279).

Arnold and Nishimura substantially teach all the limitations of claims 1, 3, and 9 as shown above but fails to teach that the filling conductive material is a tungsten-containing material.

Nitayama et al. discloses a trench capacitor structure comprising a tungsten-containing material filled a trench to form a storage node of the trench capacitor. See Nitayama et al.'s Fig.3J.

It would have been obvious to one of ordinary skill in the art to incorporate tungsten-containing filling material for forming the capacitor storage node as taught by Nitayama et al. into the device formed by the combination of Arnold and Nishimura in order to provide a low storage node resistance for capacitor. See Nitayama et al.'d abstract.

Art Unit: 2811

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Nishimura and further in view of Wallace et al. (US 6,277,681).

Arnold and Nishimura substantially teach all the limitations of claims 1, 3, and 9 as shown above but fails to teach that barrier layers formed between the capacitor dielectric layer and the capacitor electrodes.

Wallace et al. discloses a capacitor structure (col.1, lines 20-23) comprising silicon nitride barrier layer (13, 17) formed between the high dielectric constant layer (15) and conductive layers. See Wallace et al.'s Fig.2.

It would have been obvious to one of ordinary skill in the art to incorporate the barrier layers as taught by Wallace et al. into the device formed by the combination of Arnold and Nishimura in order to dopants in the conductive layers diffusing into the dielectric layer. See Wallace et al.'s col.3 lines 15-20.

#### *Conclusion*

**6. Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.**

Art Unit: 2811

7. Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to CUONG Q NGUYEN whose telephone number is (703) 308-1293. The Examiner is in the Office generally between the hours of 6:30 AM to 5:00 PM (Eastern Standard Time) Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor TOM THOMAS who can be reached on (703) 308-2772. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 or 308-7724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center Receptionists whose telephone number is 308-0956.

A handwritten signature in black ink, appearing to read 'Cuong Nguyen', with a stylized, cursive script.

Cuong Nguyen

June 19, 2002